

REMARKS

The above Amendments and these Remarks are in reply to the Office Action mailed November 1, 2005.

Currently, claims 1-26 are pending. Applicants have amended claims 1, 5-6, 8, 10, 14-18, 20 and 24-26. Applicants respectfully request reconsideration of claims 1-26.

I. Summary of the Examiner's Objections and Rejections

Claims 17-18 and 26 were objected to because they contain informalities.

Claims 4-17, 20-24 and 26 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-26 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Loveland* (U.S. Patent No. 6,826,539 B2).

II. Summary of the Amendments

Applicant has amended claims 1, 5-6, 8, 10, 14-18, 20 and 24-26 herein.

III. Objections to the Claims

Claims 17-18 and 26 were objected to because of informalities. In objecting to claim 17, Examiner states that the recitation of "receiving modifying" was not accurate. Claim 17 has been amended to read, "receiving and modifying." Applicant asserts that the objection to claim 17 is now moot.

In objecting to claim 18, Examiner states the recitation of "function attribute" is incorrect since throughout the remaining claims and specification, the recitation states "functional attribute." Claim 18 has been amended to read, "functional attribute." Applicant asserts that the objection to claim 18 is now moot.

Claim 26 was objected to for the same recitation of "function attribute" in claim 18. Claim 26 has been amended to read, "functional attribute." Applicant asserts that the objection to claim 26 is now moot.

IV. Rejection Under 35 U.S.C. § 112, second paragraph

Claims 4-17, 20-24 and 26 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Miscellaneous Objections

In objecting to claim 5, Examiner states that the limitation “the element” renders the claim to be indefinite for failing to particularly point out which “the element” previously disclosed is intended. Applicant has amended claim 5 to recite “graphical element,” and asserts that the objection to claim 5 is now moot.

In objecting to claim 15, Examiner states that the limitation “at least one data element” renders the claim to be indefinite for failing to particularly point out which “at least one data element” previously disclosed is intended. Applicant has amended claim 15 to recite “one data element representing a physical or a functional attribute,” and asserts that the objection to claim 15 is now moot.

In objecting to claim 16, Examiner states that the limitation “the database link” is vague and unclear. Applicant has amended claim 16 to recite “said step of linking said at least one data element.” Applicant asserts that the objection to claim 16 is now moot, as is the objection to claim 17 which depends on claim 16 and carries the same deficiency.

In objecting to claim 20, Examiner states that the limitation of “non-graphical data” is confusing and unclear, and vague and confusing whether the same data is later defined as a component specification and stored as such in claim 20. With respect to graphical data, the application detailed description reads:

“Figure 5 may contain a CAD system generated area perimeter having one or more CAD system generated sub-areas and/or one or more CAD system generated CAD elements. *Each of the CAD elements may graphically represent a construction project component.*” emphasis added (page 14, lines 21-24).

“A user...may create *graphical* representations of *construction project areas*. ... *Sub-areas may also be graphically represented* by CAD system generated perimeter shapes contained in the area perimeter shapes. Additionally, *components...may be graphically represented* by

CAD system generated CAD elements. emphasis added (page 19, lines 1-8)

The cited portion of the specification indicates that CAD system areas, sub-areas and elements are described as graphical elements. Thus, a non-graphical element is an element which is not a CAD area, sub-area or element, and “non-graphical data” is data not comprising such. For example, a non-graphical element may be a measure of fabric or color of a chair. The non-graphical data is later recited in line 17 of claim 20 to be comprised of a “component specification.” The component specification is recited in claim 20 as including two data elements. Since the component specification comprises non-graphical data, neither of the two data elements are CAD elements. Applicant submits that in light of these remarks, claim 20 is not vague or confusing, and requests the objection to claim 20 and dependent claims 21-23 be withdrawn.

In the objection to claim 24, Examiner states that the limitation “the element” renders the claim to be indefinite for failing to particularly point out which “the element” previously disclosed is intended. Applicant has amended claim 24 to recite “the graphical element,” and asserts that the objection to claim 24 is now moot.

In the objection to claim 26, Examiner states that the limitation “the second CAD element data” and “second computer system” when recited without a first CAD element data and computer system renders the claim to be indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. Applicant has amended claim 26 to recite a “first CAD element data” and a “first computer system,” and asserts that the objection to claim 26 is now moot.

Examiner further objected to claim 26 indicating that claim 26 is vague and unclear to the Examiner what the difference is between the recited “CAD element data” and “CAD element.” As recited in the claim, the “first CAD element data represents a first CAD element,” wherein the element is “displayable on a monitor.” As discussed above with respect to the objection to claim 20, “CAD elements may graphically represent a construction project.” CAD elements are of a graphic nature and can be displayed on a monitor. CAD data is data from which a graphical CAD element may be derived. Applicant submits that in light of these remarks, claim 26 is not vague or unclear, and requests the objection to claim 26 be withdrawn.

Antecedent Basis Objections

Examiner objected to claim 4, line 14, indicating the limitation “that one of the data units” does not have antecedent basis. Applicant respectfully disagrees with this rejection. Claim 4 recites “specification list data”, wherein the list data “represents a list of specifications.” (claim 4, line 3). Claim 4 further recites that “each specification of the list represents a data unit.” (claim 4, line 4). Thus, applicant respectfully submits that if a “list of specifications” is recited, and “a data unit” for “each specification” is recited, then data units are recited. Applicant requests that in light of these remarks the objection to claim 4 be withdrawn.

Examiner objected to claim 5-6, 10, 14-15, 17 and 26 as having insufficient antecedent basis for a recited limitation in each claim, and claims 7-17 and 15 for being dependent on claims 6 and 14, respectively. Claims 5-6, 10, 14-15, 17 and 26 have been amended to correct the insufficient antecedent basis, and asserts that objections to claim 5-6-17, 10, 14-15, 17 and 26 are now moot.

V. Rejection Under 35 U.S.C. § 102 under Loveland

Examiner rejected claims 1-26 under 35 USC §102(e) as being anticipated by United States Patent No. 6,826,539 B2 (*Loveland*). Because *Loveland* fails to disclose each limitation of claims 1-26, applicant asserts that claims 1-26 are patentable over the cited art.

Among other limitations, claim 1 recites:

displaying a graphical user interface on the monitor of the first computer system, wherein the graphical user interface is configured for receiving *non-graphical information associated with the first graphical element*;

linking information for at least one component specification to a second component specification or a CAD element, area or sub-area, the graphical user interface capable of linking information to both a second component specification and a CAD element, area or sub-area;

entering a component specification comprising at least one non-graphical data element representing a physical or functional attribute and at least one data element representing a non-physical and non-functional attribute into the graphical user interface; and

the first computer system transmitting said component specification including the non-graphical data element and said data element representing a non-physical and non-functional attribute to a database for storage as *a data unit* therein via internet communication.

Loveland discloses a system for electronically storing a model which communicates the attributes of a structure along with related information. (col. 4, lines 61-67) The related information is stored according to document type. For example, “inventory items are ... stored according to the item type and information type.” (col. 15, lines 56-65)

Loveland does not disclose “linking information for at least one component specification to a second component specification or a CAD element, area or sub-area, the graphical user interface capable of linking information to **both** a second component specification and a CAD element, area or sub-area,” as recited in claim 1. Support for the limitation can be found in Figure 15B and the corresponding descriptive text. The corresponding text reads, in part, “...the user may activate the Apply button which causes the selected CAD element to be database linked to the component specification...” (page 26, line 27 to page 27, line 1) Additionally, window 150 [of Figure 15B], “identifies component specifications linked to the component specification identified in the Specification field.” (specification page 28, lines 8-9). Further, “A user, initiating the AddSubSpec button, can link the component specification identified in the Specification field to another component specification.” (specification page 28, lines 18-20) The claimed embodiment recites that the graphical user interface can be used to link a component specification to a CAD element, area or sub-area or a second component specification, though the interface may do both. Thus, only a reference which discloses a graphical user interface able to do both may read on the recited element. *Loveland* does not describe a “graphical user interface” which is configured to link a component specification to either a CAD element or a second component specification. As discussed in more detail below, *Loveland* does not disclose linking component specifications at all; *Loveland* discloses processing files individually rather than as component specifications, which include two or more data elements.

For the reasons discussed above, *Loveland* does not disclose the embodiment claimed in claim 1. Independent claims 5, 14, 20, 24 contain the distinguishing “linking” feature as recited in claim 1. Independent claims 6, 18, 25 and 26 recite the linking feature from a database perspective. In particular, these independent claims recite that a database may link a component specification to another component specification or CAD element (or graphical data element). For these reasons, Applicants submit that *Loveland* does not disclose the embodiments claimed in claims 5-6, 14, 18, 20 and 24-26. Dependent claims 2-4, 7-13, 15-17, 19 and 21-23 depend from patentable claims 1, 5,

6, 14, 18, 20, and 24-26, and should be patentable for at least these reasons in addition to the distinguishing limitations they recite.

Loveland does not disclose the recited limitation of “transmitting a component specification...for storage as a data unit,” wherein the component specification “comprises at least one non-graphical data element representing a physical or functional attribute and at least one data element representing a non-physical and non-functional attribute.” Rather than processing multiple data elements (which comprise a component specification) as one “data unit,” *Loveland* discloses processing data entries individually. In particular, data entries in *Loveland* are processed and stored by type in separate files. (col. 15, lines 56-65) Unlike the embodiment recited in claim 1, multiple data elements in *Loveland* that need to be processed or retrieved must be done so individually. As a result, the system of *Loveland* does not store or otherwise process more than one data entry as one unit and therefore is less efficient and handles data differently than the embodiment as claimed in claim 1.

As discussed above, *Loveland* does not disclose each limitation of claim 1. Thus, it is asserted that claim 1 is patentable over the cited art. Dependent claims 2-4 depend on claim 1, and should be patentable for at least the same reasons.

Independent claims 5, 6, 14, 18, 20, 24-26 each recite a limitation of “a data unit” as discussed above. Thus, these claims should be patentable for the same reasons. Dependent claims 7-13, 15-17, 19 and 21-23 ultimately depend on claims 6, 14, 18 and 20, and should be patentable as well in addition to the distinguishing limitations they recite.

Loveland also does not disclose “displaying a graphical user interface...for receiving non-graphical information associated with a first graphical element.” Rather, *Loveland* discloses a “log-in” process during which user identification and verification is performed. (col. 15, lines 19-30). *Loveland* does not disclose that user identification and verification information are associated with a graphical element. To the contrary, the user identification and verification information is associated with user data stored in master security data 170 and master structure data 2. Thus, claim 1 is further patentable over *Loveland* for reciting this patentably distinguishing limitation. Independent claim 20 also recites “a graphical user interface...for receiving non-graphical information associated with a first graphical element,” and should also be patentable for these reasons.

VI. Conclusion

Based on the above amendments and these remarks, reconsideration of claims 1-26 is respectfully requested.

The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned agent by telephone.

Enclosed is a PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136 for extending the time to respond up to and including today, April 3, 2006.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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